

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PARTEC AG and BF EXAQC AG,

Plaintiffs,

vs.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 2:24-cv-00433-RWS

JURY TRIAL DEMANDED

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

Plaintiffs ParTec AG and BF exaQC AG (“Plaintiffs”) and Defendant Microsoft Corporation file this Joint Motion to Amend Docket Control Order.

When initially submitting a proposed Docket Control Order, the Parties agreed to move the dates for serving expert reports and the close of expert discovery back one week to allow time following the close of fact discovery to incorporate information in expert reports (instead of having opening expert reports due on the same day as the close of fact discovery). *See* ECF No. 21. This resulted in adjustments to other dates as well, such as the dates for filing dispositive motions and motions to strike expert testimony and responses to the same. *Id.* The Court entered the Parties’ proposed Docket Control Order. ECF No. 26.

The Amended Docket Control Order (ECF No. 37) does not include the same gap between the close of fact discovery and the date to serve expert reports. The Parties thus respectfully request that the Court amend the Docket Control Order as shown below and in the attached order:

Date	Amended Date	Event
April 20, 2026	April 27, 2026	Serve Objections to Rebuttal Pretrial Disclosures

April 20, 2026	April 27, 2026	File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
April 13, 2026	April 20, 2026	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
March 30, 2026	April 3, 2026	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
March 23, 2026	March 30, 2026	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. Motions for Summary Judgment shall comply with Local Rule CV-56.
March 9, 2026	March 16, 2026	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
March 9, 2026	March 16, 2026	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
March 2, 2026	March 9, 2026	Deadline to Complete Expert Discovery
February 17, 2026	February 23, 2026	Serve Disclosures for Rebuttal Expert Witnesses

January 26, 2026	February 2, 2026	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
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Good cause exists for these short extensions. Inserting a gap between the close of fact discovery and the service of expert reports provides needed time to incorporate any information disclosed at or near the fact discovery deadline in the expert reports. Further, briefing on dispositive and expert motions will still be completed well in advance of the pretrial conference—approximately one month before the conference and approximately one week later than originally scheduled only—and will not delay the filing of the joint pretrial order, the pretrial conference, or trial. The Parties thus respectfully request that the Court grant this Motion.

Dated: April 7, 2025

Respectfully submitted,

/s/ Alexander W. Aiken

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Counsel for Defendant Microsoft Corporation

CERTIFICATE OF SERVICE

This is to certify that on April 7, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Alexander W. Aiken
Alexander W. Aiken

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies pursuant to Local Rule CV-7(h) that the parties conferred concerning the relief request in this motion and it is agreed.

/s/ Alexander W. Aiken
Alexander W. Aiken